



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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JAN 07 2010

Ref: 8P-W-WW

Walt Baker, Executive Secretary
Utah Water Quality Board
P.O. Box 144870
Salt Lake City, UT 84114-4

Re: Draft Permit for Stormwater Discharges
Associated with Municipal Separate Storm
Sewer Systems (UTR-090000)

Dear Mr. Baker:

Thank you for providing the proposed permit for Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems (MS4s). I have reviewed the draft permit and find it generally acceptable, however, I have the following comments that should be addressed before it is issued as a final permit.

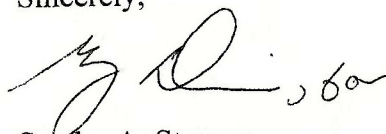
1. Given the presence of some municipalities with significant seasonal populations in the state of Utah (e.g., resort areas such as Moab and Park City), the pace of development in these areas, and the proximity of some municipalities with seasonal populations to high quality water bodies, the Division should maintain an aggressive schedule to develop criteria and designate seasonally impacted municipalities for inclusion in this permit.
2. **Part 1.2.1.5.** Restricting general permit eligibility to MS4s located fully or partially within an urbanized area as defined by the Census is of concern. Should other municipalities be designated as regulated MS4s which are located outside urban areas (e.g., Park City, Moab) or in rapidly expanding areas not yet included within a Census-defined urbanized area (e.g., Eagle Mountain), they will need to be covered under an individual permit.
3. **Parts 2.1.7, 4.1.1, 4.1.1.1, 4.2.5.1, 4.2.5.2.2.** The determination of whether the permit conditions meet the Maximum Extent Practicable (MEP) standard is one which is made by the Division of Water Quality. It is important to note that MS4s are required to fully meet all of the terms and conditions in the permit and not just meet permit terms and conditions to the Maximum Extent Practicable. Therefore, it would be advisable to remove all language related to the MEP standard from the permit and reserve discussion of the iterative process and expectations associated with the MEP standard to the Statement of Basis.

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4. **Part 4.2.4.1.1.** For the Construction Site Stormwater Control minimum measure, operators are required to reduce the discharge of pollutants to the MEP. This is of concern, since reducing the discharge of pollutants in construction site stormwater runoff to the MEP may result in discharges which are in violation of the statewide construction stormwater general permit, which sets forth requirements for Best Management Practices (BMPs) which are not based on the MEP standard. Perhaps a better goal for this minimum measure would be compliance with the terms and conditions of the statewide construction stormwater general permit.
5. **Part 4.2.4.** To improve on the effectiveness and accountability of municipal construction oversight programs, specific requirements regarding how frequently construction sites need to be inspected and procedures for how recalcitrant violators are reported to the Division could be included.
6. **Parts 4.2.4.3.3, 4.2.5.3.2, 4.2.5.4.2.** EPA applauds the Division's inclusion of requirements which address Low Impact Development (LID) and require MS4s to create preferred design specifications for different development types. EPA has announced plans to initiate national rulemaking to establish a program to reduce stormwater discharges from new development and redevelopment and make other regulatory improvements to strengthen its stormwater program and is currently seeking stakeholder input on this effort (74 FR 68617). Training, evaluation, and recognition of the need to reduce impacts of stormwater runoff from MS4s through LID techniques may place the MS4s covered under this permit in an ideal position to comply with any future Federal regulations.

If you have any questions with regard to this letter, please contact Greg Davis of my staff at 303-312-6314, or E-mail davis.gregory@epa.gov.

Sincerely,



Sandra A. Stavnes
Chief, Wastewater Unit
USEPA Region 8

